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IN THE
SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1942.

A. G. NULSEN, JR., Executor of the
Estate of A. G. NULSEN, Deceased,
Petitioner
(Appellee Below),

vs.

NATIONAL LEAD COMPANY,
a Corporation,

Respondent
(Appellant Below).

No. **638**.....

**SUGGESTIONS IN OPPOSITION TO THE
GRANTING OF WRIT OF CERTIORARI.**

THOMAS BOND,
705 Olive Street,
St. Louis, Missouri,
Counsel for Respondent.

Of Counsel:

R. E. MOLONEY,
G. T. PRIEST,
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Statement.

The litigation involved herein is an action for damages for breach of contract by the National Lead Company, respondent herein, against A. G. Nulsen, Jr., executor of the estate of A. G. Nulsen, deceased, petitioner herein.

Suit was originally filed, by respondent herein, against petitioner, herein, in the Circuit Court of the City of St.

Louis, Missouri, and removed by petitioner herein to the United States District Court for the Eastern Division of the Eastern Judicial District of Missouri.

Judgment in the District Court was for petitioner herein and against respondent herein.

On appeal to the Circuit Court of Appeals for the Eighth Judicial Circuit, the Court, making its own findings of fact and reaching its own conclusions thereon, reversed the District Court's judgment.

Reasons for Opposing the Granting of the Writ.

There is no federal question, constitutional or otherwise, involved.

There is no conflict of opinions, between different Circuit Courts of Appeal, involved.

There is no question of great public importance or interest, involved.

There is no jurisdictional question, involved.

There is no decision, by this Court, involving the construction of Missouri law governing Missouri contracts, or Missouri judgments, which, the Court of Appeals, in its opinion, refused to follow.

The reasons assigned for the granting of the application of the writ herein are not within Rule 38 of this Court. *Ruhlin v. New York Life Ins. Co.*, 304 U. S. 202, l. c. 206.

It is quite evident, from the application of the writ and brief in support thereof, that petitioner is seeking by said writ to have this Court review the correctness of the conclusions reached by the Court of Appeals in its opinion, upon the facts, as found by the Court. *General Picture Co. v. Electric Co.*, 304 U. S. 175, l. c. 178.

The Court of Appeals in its opinion correctly applied the Missouri law governing Missouri contracts and Missouri judgments.

We respectfully submit that the application for the writ herein be denied.

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Counsel for Respondent.

Of Counsel:

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